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Date: Wed, 23 Sep 1998 13:27:47 -0700
To: cdarling@water.ca.gov
From: sixbit@sonnet.com (Novelle Mills)
Subject: Comments, Madera Ranch

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(sent via fax & email)

Ms. Cindy Darling
CALFED Bay-Delta Program
1416 Ninth St. Suite 1155
Sacramento, Ca. 95814

September 23, 1998

Dear Cindy:

I would like to provide you with a more structured list of my concerns regarding both the Madera Ranch Project and the process by which the proposal came before the Roundtable for recommendation.

I would like to present the process issues first. I am concerned regarding the lack of action by the Integration Panel (IP) and the fact that only one member of the IP apparently was available to review the project. Let me clarify that I don't believe that the Roundtable should be limited to only recommend projects for funding that have been recommended by the IP. However, I certainly would have liked to had the expertise of the IP and their specific recommendations focused on this proposal. I did not feel comfortable with the lack of input from the IP on what is obviously a very large, complex and expensive project, notwithstanding its potential benefits.

In addition, I felt that given the nature of the project we should have been better briefed on the proposal. The information in front of us was internally inconsistent in its presentation of the "facts" and there was further inconsistency between what was in the written reports and what was presented. This may have been a wonderful proposal, but I couldn't get a

firm idea of what the facts are. I certainly don't believe it is prudent of the Roundtable to shoot from the hip when the price of bullets is 14.5 million tax dollars! That is not the sort of spending process, I could in good conscience, defend before any inquiry.

Furthermore, the timing of the presentation was such that there was literally no time for the Roundtable members to get further information or even basic questions answered prior to action. That is, we were forced to act on this item within one meeting. That was unfortunate.

I fully understand the points made about the "deal" coming apart due to another buyer waiting in the wings. I believe I have heard that on virtually every land acquisition proposal I have participated in during my career. I am, through experience, skeptical of such claims especially when the price being asked is so high relative to surrounding land values.

The specific issues of the project itself may not be insurmountable - given time, a willingness and a process to allow for solutions. However, they are simultaneously complex and significant.

Water rights and water sources for the project are very important. We should know where the water is anticipated to come from and what conditions (water year type, upstream diversion assumptions, pump export capacity, etc.) are used as assumptions for the project. None of that information was available in adequate detail. Hence my frustration with descriptions of getting (all these alleged sources were claimed by the proponents), "...surplus San Joaquin...CVP...State...flood flows..." and the most interesting, "...free..." water. At one point you will recall one member of the roundtable summarized that this project can use water from "...anywhere". I find such claims hard to believe. In all candor Cindy, I have seen relatively simple, small scale, land developments denied permits with more assurances for water sources that were provided for this project.

The presumption that Madera Ranch would have "priority" for water also seemed to be assumed. I don't believe that we have ruled out other "upstream" storage on the San Joaquin to the point that Madera should be made the surrogate for new storage for the entire watershed. Nor do I believe that the fundamental question of the impact on upstream San Joaquin Area of Origin supplies was addressed. In summary on this point, the question of water source was also a casualty of the schedule.

The level of ground water and operations modeling conducted by the Bureau of Reclamation to date is not adequate to move ahead with land acquisitions based on values for a ground water bank. Clearly at prices of over \$3,400/acre the land is not being appraised for terrestrial, upland habitat acquisition. It would have been more appropriate for the Bureau to provide the Roundtable with adequate sit-specific investigations which included technical feasibility.

The proposal did not provide rudimentary environmental documentation. At a time when levee repairs - actions designed for the protection of human life - undergo environmental scrutiny, it is unreasonable to expect the Roundtable, or any other responsible steward of the public's trust, to recommend funding for such a large project with no environmental analysis.

The potential for the project to impact adjoining agricultural uses and local water management was not assessed, or if it was assessed, that information was not clear in the materials presented to the Roundtable.

The project, regardless of land owner, will ultimately have to seek local government permits from the County of Madera. Inasmuch as the elected representatives for the County, the Board of Supervisors oppose the project due in part to issues listed above, it is not prudent for the CALFED to engage in funding projects with limited local support and the open opposition of the local permitting authority with statutory land use management police powers.

If the proposal has demonstrated one thing, it is that the Ecosystem Roundtable, aside from providing recommendations to CALFED agencies on which projects to fund, also serves as an invaluable cross section of citizen interests across the state which may not necessarily be represented within the CALFED agency group.

I would have provided you with more detailed analysis and recommendations but, due to schedule constraints I will stop at this point.

I look forward to working to solving the Madera Ranch issues in a constructive way. If there is one thing I do agree with in the proposal, it is the underlying premise that California needs new water storage across the spectrum of presented opportunities.

Sincerely,

John S. Mills

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On Her Majesty's Service